



International Tribunal for the  
Prosecution of Persons  
Responsible for Serious Violations of  
International Humanitarian Law  
Committed in the Territory of the  
Former Yugoslavia since 1991

Case No.: IT-95-14-A  
Date: 24 May 2001  
Original: English

**IN THE APPEALS CHAMBER**

**Before:** Judge Lal Chand Vohrah, Presiding  
Judge Rafael Nieto-Navia  
Judge Patricia Wald  
Judge Fausto Pocar  
Judge Liu Daqun

**Registrar:** Mr. Hans Holthuis

**Decision of:** 24 May 2001

**PROSECUTOR**

v.

**TIHOMIR BLAŠKIĆ**

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**DECISION ON THE APPELLANT'S MOTION FOR ACCESS TO CONFIDENTIAL  
TRIBUNAL DECISIONS, AND FOR ADDITIONAL EXTENSION OF TIME**

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**The Office of the Prosecutor:**

**Mr. Upawansa Yapa**

**Counsel for the Appellant:**

**Mr. Anto Nobile**  
**Mr. Russell Hayman**  
**Mr. Andrew M. Paley**

**THE APPEALS CHAMBER** of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (“the International Tribunal”),

**BEING SEIZED** of the “Appellant’s Motion for Access to Confidential Tribunal Decisions, and for Additional Extension of Time” filed on 7 May 2001 (“the Application”), in which he requests an extension of time to file his Reply brief in support of his “Motion to Admit Additional Evidence on Appeal Pursuant to Rule 115” (“the Reply”), and authorisation to the Registrar to provide to the Appellant the following confidential decisions issued by the Appeals Chamber in the Kupreškić case:

- (a) “Decision on the Motions of Appellants Vlatko Kupreškić, Drago Josipović, Zoran Kupreškić and Mirjan Kupreškić to Admit Additional Evidence” issued on 26 February 2001, and
- (b) “Decision on the Admission of Additional Evidence Following Hearing of 30 March 2001” issued on 11 April 2001 (“the confidential decisions”);

**NOTING** the “Prosecution’s Response to the Appellant’s Motion for Access to Confidential Tribunal Decisions and for Additional Extension of Time” filed on 11 May 2001, in which the Prosecution does not object to the granting of additional time;

**NOTING** that in the Application the Appellant submits that the confidential decisions are the primary legal authority upon which the Prosecution relies in its “Prosecution Response to Appellant’s Motion to Admit Additional Evidence Pursuant to Rule 115” filed on 19 April 2001 (“the Response”);

**CONSIDERING** that the Appellant did not receive copies of the supporting annexes filed by the Prosecution with its Response until 30 April 2001,

**CONSIDERING** Rule 75(D) of the Rules of Procedure and Evidence (“the Rules”) which provides:

Once protective measures have been issued in respect of a victim or witness, only the Chamber granting such measures may vary or rescind them or authorise the release of protected material to another Chamber for use in other proceedings. If, at the time of the request for variation or release, the original Chamber is no longer constituted by the same Judges, the President may authorise such variation or release, after consulting with any Judge of the original Chamber who remains a

Judge of the Tribunal and after giving due consideration to matters relating to witness protection.

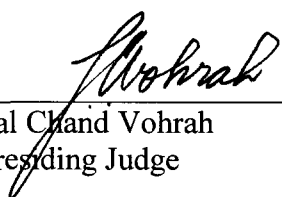
**CONSIDERING** that it is for the Appellant to request the disclosure of the confidential decisions before the Appeals Chamber as composed in the Kupreškić case;

**CONSIDERING FURTHER** that Rule 127 of the Rules allows the Appeals Chamber to enlarge or reduce any time prescribed by or under the Rules, on good cause being shown;

**HEREBY**

- (a) **DISMISSES** the Application to the extent that it requests access to confidential Tribunal decisions; and
- (b) **PURSUANT** to Rule 127 of the Rules, **GRANTS** the Appellant an extension of fourteen days to file the Reply by 18 June 2001.

Done in both English and French, the English text being authoritative.

  
Lal Chand Vohrah  
Presiding Judge

Done this twenty fourth day of May 2001,  
At The Hague,  
The Netherlands.

**[Seal of the Tribunal]**